

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DIETGOAL INNOVATIONS LLC,

Plaintiff,

v.

KELLAN RESTAURANT
MANAGEMENT CORP. D/B/A 54TH
STREET GRILL & BAR

Defendant.

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Civil Action No. 2:12-cv-00761-JRG-RSP

LEAD CASE

CONSOLIDATED

Jury Trial Demanded

DIETGOAL INNOVATIONS LLC,

Plaintiff,

v.

FRESHII USA, INC.

Defendant.

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Civil Action No. 2:12-cv-00768-JRG-RSP

Jury Trial Demanded

**PLAINTIFF DIETGOAL INNOVATIONS, LLC’S
MOTION TO STAY ALL DEADLINES AS TO DEFENDANT FRESHII USA, INC.**

Plaintiff DietGoal Innovations LLC (“DietGoal”) hereby moves for a stay of all deadlines as to Defendant Freshii USA, Inc. (“Freshii”). On July 15, 2013, a Clerk’s Entry of Default was entered in favor of DietGoal against Freshii (Dkt. 21). DietGoal is in the process of preparing a motion for entry of final default judgment in favor of DietGoal against Freshii. Therefore, DietGoal respectfully requests a stay of all deadlines as to Freshii for 45 days, until October 18, 2013.

This motion is submitted not for purposes of undue delay, but so that DietGoal may complete the process of obtaining a default judgment against Freshii.

Dated: September 3, 2013

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

By: /s/ Michael D. Ricketts

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**ATTORNEYS FOR PLAINTIFF
DIETGOAL INNOVATIONS LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 3rd day of September, 2013. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Michael D. Ricketts

Michael D. Ricketts